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LAW DEPARTMENT

NOTIFICATION

The 2nd February 2009

No. 1678—I-Legis.-L.— The following Ordinance promulgated by the President and published by the Government of India, Ministry of Law and Justice (Legislative Department) in the *Gazette of India*, Extraordinary, Part II, Section I, dated the 13th October 2008 is hereby republished for general information.

By order of the Governor

B. K. NAYAK

Principal Secretary to Government

THE AGRICULTURAL AND PROCESSED FOOD PRODUCTS EXPORT DEVELOPMENT AUTHORITY (AMENDMENT) ORDINANCE, 2008

ORDINANCE No. 8 OF 2008

Promulgated by the President in the Fifty-ninth Year of the Republic of India.

An Ordinance to amend the Agricultural and Processed Food Products Export Development Authority Act, 1985.

WHEREAS, the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for her to take immediate action ;

NOW THEREFORE, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

Short title and commencement.

1. (1) This Ordinance may be called the Agricultural and Processed Food Products Export Development Authority (Amendment) Ordinance, 2008.

(2) It shall come into force at once.

Amendment of Section 2.

2. In the Agricultural and Processed Food Products Export Development Authority Act, 1985 (hereinafter referred to as the principal Act), in Section 2,— 2 of 1986.

(a) in clause (g), for the words “Scheduled Products”, the words “Scheduled Products or, as the case may be, Special Products” shall be substituted ;

(b) in clause (i), for the words “the Schedule”, the words “the First Schedule” shall be substituted ;

(c) after clause (i), the following clause shall be inserted, namely :—

‘(j) “Special Product” means any of the agricultural or processed food products included in the Second Schedule.’.

Substitution of new section for Section 3.

3. For Section 3 of the principal Act, the following section shall be substituted, namely :—

Power to amend Schedule.

“3. The Central Government may having regard to the objects to this Act, and if it considers necessary or expedient so to do, by notification in the Official Gazette, add to, or, as the case may be, omit from, the First Schedule or the Second Schedule any agricultural or processed food product and on such addition, or as the case may be omission, such product shall be, or shall cease to be, a Scheduled product or Special product as the case may be.”.

Amendment of Section 4.

4. In Section 4 of the principal Act, in sub-section (4), in clause (h), for sub-clause (iii), the following sub-clause shall be substituted, namely :—

“(iii) other Scheduled products or Special products industries ;”.

Insertion of
new Section
10A.

5. After Section 10 of the principal Act, the following section shall be inserted, namely :—

Functions in
respect of
special
products, etc.

‘10-A. Without prejudice to any law for the time being in force, it shall be the duty of the Authority to undertake, by such measures as may be prescribed by the Central Government for registration and protection of the Intellectual Property rights in respect of Special products in India or outside India.

Explanation.—For the purpose of this section “Intellectual Property” means any right to intangible property, namely, trademarks, designs, patents, geographical indications or any other similar intangible property, under any law for the time being in force.’.

Amendment
of Section 32.

6. In Section 32 of the principal Act, after clause (h), the following clause shall be inserted, namely :—

“(ha) the measures for registration and protection of the Intellectual Property rights under Section 10-A ;”.

Amendment
of the Schedule.

7. The Schedule to the principal Act shall be numbered as the First Schedule and after the First Schedule as so numbered, the following Schedule shall be inserted, namely :—

“THE SECOND SCHEDULE

[See Section 2(j)]

Basmati rice.”.

PRATIBHA DEVISINGH PATIL

President

T. K. VISWANATHAN

Secretary to the Government of India
